

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 30, 1999**

DIVISION TWO

[illegible]

The Court:

The judgment is reversed as to count 2, simple assault. The judgment is modified to reflect a \$2,000 fine pursuant to Penal Code section 1202.45, the fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be amended accordingly. In all other respects, the judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

B127205      Stadish et al.      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Southern California Gas Company, r.p.i.)

Let a writ of mandate issue directing the superior court to set aside its order of October 29, 1998, in which it denied petitioners' motion to compel the production of documents, and granted real party The Gas Company's request for a protective order, and to conduct further proceedings consistent with the views expressed herein. Petitioners shall recover their costs.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.  
Zebrowski, J. (Opinion)

April 30, 1999-Continued

## DIVISION TWO (Continued)

B111391 People (Not for Publication)  
v.  
Mitchell

The Court:

The judgment is reversed as to counts 22 (attempted second degree robbery of Erin S.) 23 (second degree robber of Erin S.), and 28 (second degree robbery of Amy B.). The judgment is affirmed in all other respects.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION THREE

[illegible]

The judgment is modified to reflect a parole revocation fine in the amount of \$300. (sec. 1202.45.) In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B121726 People (Not for Publication)  
v.  
Gregory F.

The judgment is modified to reflect a \$100 restitution fine (Welf. & Inst. Code, sec. 730.6 subd. (b)(1)). In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended minute order.

Klein, P.J.

We concur:   Croskey, J.  
                          Kitching, J.

DIVISION THREE (Continued)

B109530      Mimtel Communications et al.                      (Certified for Publication)  
                 v.  
                 National Broadcasting Company Inc. et al.

Judgment is affirmed. NBC is awarded costs on appeal.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

B099108      Laszlo Logacz et al.  
                 v.  
                 Brea Community Hospital et al.

Filed order modifying opinion and certifying opinion for publication.  
Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B122704      Perezarce                                      (Not for Publication)  
                 v.  
                 Butts

The order denying appellant's petition for injunctive relief is affirmed.

Epstein, Acting P.J.

We concur:    Hastings, J.  
                 Curry, J.

April 30, 1999-Continued

## DIVISION FOUR (Continued)

B107457 Levy (Not for Publication)  
v.  
Weiser

The dismissal is affirmed. Mr. Weiser is to have his costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B114948      Callahan      (Certified for Publication)  
v.  
Mutual Life Insurance Company of New York

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

[illegible]

The judgment is affirmed. The parties are to bear their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

April 30, 1999-Continued

## DIVISION FOUR (Continued)

B124552      D.C.F.S.      (Not for Publication)  
v.  
Roberta B.

The order is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B118163 People (Not for Publication)  
v.  
Velasquez

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

[illegible]

The judgment is reversed with direction to vacate the order denying the suppression motion and to enter a new order granting the motion.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B125844 People (Not for Publication)  
v.  
Sharlhorne

For the foregoing reasons, the matter is remanded for limited purpose of imposing or striking the enhancements found to be true pursuant to Penal Code section 667.5, subdivision (b). In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B120837 People (Not for Publication)  
v.  
Martinez

The judgment is reversed with directions to the superior court to vacate its order denying the suppression motion; to enter a new order granting that motion; to afford appellant the opportunity to withdraw his no contest plea; and to conduct further proceedings not inconsistent with the views expressed in this opinion.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

## DIVISION FIVE

B127705 People (Not for Publication)  
v.  
Esteban Alatorre

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

DIVISION FIVE (Continued)

B119092      Michael Sherman      (Not for Publication)  
                 v.  
                 Jerome Sherman

The judgment is affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
                 Armstrong, J.

B117326      Deborah Ramirez      (Not for Publication)  
                 v.  
                 Michael V. Gould

The judgment is affirmed. Respondent to recover his costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
                 Armstrong, J.

B123958      People      (Certified for Partial Publication)  
                 v.  
                 Oscar Barron

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
                 Armstrong, J.

DIVISION FIVE (Continued)

B113992 Northwest Jet Sales (Not for Publication)  
v.  
Laurence Balter et al

The judgment is modified to reflect a deduction of \$1,338.75. In all other respects, the judgment is affirmed. Plaintiff, Northwest Jet Sales and Leasing Corporation, is to recover its costs on appeal from defendant Laurence Balter doing business as Sunshine Airlines.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B129168 Alice G. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(D.C.F.S. , r.p.i.)

Petition is denied.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

B116856 People  
v.  
Alexandre Mirzayance  
B124764 In Re Mirzayance on Habeas Corpus

Filed order denying petition for rehearing.

B117433 Vadim Gevel  
v.  
Boris Chacham

Filed order denying petition for rehearing. Armstrong would grant and modify so that each party bears own costs.